UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,237	01/28/2004	Hitan S. Kamdar	GP-304345-OST-ALS	4779

74829 7590 11/28/2007

Julia Church Dierker
Dierker & Associates, P.C.
3331 W. Big Beaver Road
Suite 109
Troy, MI 48084-2813

EXAMINER	
FIGUEROA, MARISOL	
ART UNIT	**PAPER NUMBER**
2617	

MAIL DATE	DELIVERY MODE
11/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/767,237	KAMDAR ET AL.	
	Examiner	Art Unit	
	Marisol Figueroa	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/18/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-16 and 18-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-16 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 10/18/2007 have been fully considered but they are not persuasive.

With respect to claims 1, 11, and 20, the Applicant argues that "independent claims 1, 11, and 20 each recite, "***detecting*** a wireless network information ***upload trigger*** and initiating a wireless network information transmission to the ***service provider responsive*** to the detected wireless network information upload trigger" because as provided in Applicant's preliminary Amendment dated June 25, 2007, an ***upload trigger*** is a ***filter*** of the ***type*** of wireless network information that will ultimately be transmitted to the service provider and Applicants submit that Dutta does ***not*** teach or even suggest an ***upload trigger*** as defined by Applicants (see page 8, lines 13-26 of Applicant's arguments); the examiner respectfully disagrees.

The term ***upload trigger*** is broadly claimed and therefore broadly interpreted; and the examiner cannot ascertain where in the specification is found support for Applicant's definition of the upload trigger functioning as a filter of the type of information that will be transmitted to the service provider. In page 13, line 11-23 and page 16, lines 5-19 of Applicant's specification discloses "detecting a wireless network information upload trigger and initiating a wireless network information transmission to the service provider responsive to the detected wireless network information upload trigger"... "detecting a wireless network information upload trigger includes receiving a wireless network information request and processing the wireless network information request". As seen in the specification, the upload trigger only indicates that data should be uploaded to the service provider but does not indicate the type of information that

should be transmitted. Dutta (paragraph [0054]) teaches transmitting information from a client device to a service provider (i.e., back up server) in response to an upload trigger (i.e., data backup request), therefore, Dutta meets the claimed limitations.

The Applicant also argues that "the method and/or system in Dutta transmit data to a backup server under either of two conditions: (1) automatically at predetermined intervals, or (2) or when the server has been notified that a user has powered on the wireless device (see paragraph [0031])" and Applicants submit that ***automatically*** transmitting the data at predetermined intervals to the backup server and/or ***notifying*** the backup server that the wireless device has been powered on are *not* the same as ***detecting*** the data by the backup sever and initiating a wireless network information transmission in response to the detected data" (see page 8, line 27 – page 9, lines 1-13 of Applicant's arguments).

The examiner respectfully disagrees. It is noted that the features upon which applicant relies (i.e., *automatically transmitting the data at predetermined intervals to the backup server and/or notifying the backup server that the wireless device has been powered on are not the same as detecting the data by the backup sever and initiating a wireless initiating a wireless network information transmission in response to the detected data*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to claims 9 and 18, the Applicant argues that "Dutta does not teach or suggest detecting the wireless network information upload trigger by receiving a wireless network information request and processing the wireless network information request to ***identify***

the wireless network upload trigger. As set forth in the claims, if an upload trigger ***exists*** (i.e., is identified), wireless network information is transmitted to the service provider (see e.g., page 13, lines 11-23, and page 16, lines 5-19 of Applicant's specification). It is submitted that one skilled in the art may logically conclude that the upload trigger is detected or identified from among ***several internal triggers***... the data in Dutta is transmitted to the backup server based on a single type of trigger " (see page 9, lines 13-26); the examiner respectfully disagrees.

It is noted that the features upon which applicant relies (i.e., *it is submitted that one skilled in the art may logically conclude that the upload trigger is detected or identified from among several internal triggers*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the examiner submits that Dutta teaches the detection of an upload trigger by receiving a wireless network information request and processing the wireless network information request to identify the wireless network upload trigger in paragraphs [0031] and [0054]. For example, in paragraph [0054] lines 10-21, Dutta teaches that the back up server pushes a backup request to the client that the client executes resulting in the transmission of the data to the sever. One of ordinary skill in the art would recognize that device detects the upload trigger (i.e., backup request) since the device executes or responds to the request by transmitting the data to the server.

Therefore, for the above reasons it is believed that the rejections should be sustained.

Claim Rejections - 35 USC § 101

2. The previous rejections of claims 11-16 and 18-19 under 35 U.S.C. 101 have been withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-8, 11-17, 19, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonnell et al. (US 2003/0208522 A1) in views of Fuchs et al. (US 2003/0139179 A1) and further in view of Dutta et al. (US 2002/0156921 A1).

Regarding claim 1, McDonnell discloses a method for wireless network data collection utilizing a telematics unit within a mobile vehicle communication system, the method comprising: detecting at least one wireless short-distance communication network identification signal (Abstract, lines 1-12; P.0028, lines 1-11; as a user moves along the coverage zone of the portals, e.g. business premises, his/her wireless device detects beacons signals from the portals that alert nearby compatible systems of their presence); generating wireless network information based on the at least one detected wireless network identification signals (P.0028, lines 8-17); and communicating the generated wireless network information to a service provider (Abstract, lines 9-16; P.0022; P.0028, lines 13-20; programs in the wireless device forms an structured information (e.g. identity of the business, location of portal, and services available) into a message that transmits through the cellular subsystem to a database service system).

But, McDonnell fails to particularly disclose wherein the at least one wireless short distance network communication signal is detected at a vehicle system module which includes software and hardware components for operating, controlling or monitoring one or more vehicle systems, and the vehicle system module coupled to a vehicle communication bus.

However, Fuchs teaches a method that integrates personal communications devices with a telematics device that is coupled to a vehicle system (i.e., vehicle system module) since there is an increasing demand for wireless subscribers to have access to information at any time and at any place and also the subscribers have the desire to be able to control mechanical and electronic devices of a vehicle through their subscriber's personal wireless device (paragraphs [0001]-[0003]). The telematics device is coupled to and integrated with the vehicle such as a car, bus, train, aircraft and the like, furthermore, includes a processor for processing algorithms stored in the memory (paragraph [0019]) and is coupled to a vehicle electrical bus to communicate and exchange data with at least one vehicle system (i.e. door-locking, comfort features, etc.) for controlling, operating, or configuring, communication status of at least one vehicle system. Also comprises a first wireless interface for communicating over a WAN network and a second wireless interface for communicating over a WLAN network (paragraph [0024]), and couples with a remote device (i.e. cellular phone, PDA, etc) and a communications node to integrate with a personal communications system (Fig. 1; paragraph [0018]).

Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of McDonnell with the teachings of Fuchs for detecting and gathering information from beacons while a user is in a vehicle, since such a combination would provide the integration of personal wireless devices with a telematics and vehicle system so that

the user can gather information about services at any time and at any place and furthermore, be able to control and monitor vehicle related features from their personal wireless devices (paragraphs [0001]-[0003]). Furthermore, one of ordinary skill in the art would recognize that the integration of the wireless device of McDonnell's invention with a vehicle would be advantageous, because the gathering of information at a vehicle wireless communication system would allow the user to travel to more geographical locations in a shorter amount of time (compared to walking), and collect more information from portals potentially resulting in more incentives for the user since the user gets rewarded by the amount of information collected and successfully entered to the database system (paragraph [0032]).

But, the combination of McDonnell and Fuchs does not expressly disclose wherein the generated wireless network information is communicated to the service provider in response to detecting a wireless network information upload trigger and initiating a wireless information transmission to the service provider responsive to the detected wireless information upload trigger.

However, transmitting information to the network in response to a network upload trigger is known in the art and Dutta is evidence of the fact.

Dutta teaches a system for backing up data from a wireless device onto a server (i.e., service provider) via a network. The backup server responsive to a determination that data from a wireless device should be backed up, initiates a back up process. The backup process includes pushing a request or command to the wireless device instructing the wireless device to transmit/upload data (i.e., network information upload trigger), such as, for example, calendars, address lists, phone books, notepad data, or any other types of data that may stored on the

wireless device, to be backed up to the backup server. Then, the server receives the data from the wireless device and stores the data on a storage device connected to the network. Note that it is inherent that the wireless device initiates the transmission of the requested data in response to receiving or detecting the request to back up data. This implementation provides for the backup or upload of data periodically or occasionally such as updates to data may be backed up routinely, furthermore, the backup process is performed without notification of or action on the part of the user and may be performed during times when the wireless device is idle, providing an effortless mechanism for protecting information (Abstract; paragraphs [0007], [0031], [0043], and [0054]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of communicating the generated information to the service provider in response to detecting a wireless information upload trigger and initiating a wireless information transmission to the service provider responsive to the detected wireless information upload trigger, as suggested by Dutta, since such a modification would provide the advantage of uploading the information to the network without user intervention, and to upload updates of the information routinely when receiving the upload request or trigger.

Regarding claim 2, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, in addition McDonnell discloses wherein detecting the at least one wireless short-distance communication network identification signal comprises: receiving at least one wireless short-distance communication network identification signal (paragraph [0028] lines 1-11; the wireless communication device receives a presence signal from the portal, e.g. business

premises); determining a unique device identifier associated with each received wireless short-distance communication network identification signal (paragraph [0028] lines 1-17; the mobile device request from the portal structured information, e.g. identity of the business); and storing the determined unique device identifier (paragraph [0030]).

Regarding claim 3, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, in addition McDonnell discloses wherein the wireless short-distance communication network identification signal includes information selected from the group consisting of: an internet protocol address, GPS location, a location identification tag, points of interest, venue capacity, venue size, and category (paragraph [0021] lines 1-6 and paragraph [0028] lines 10-17).

Regarding claim 4, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, in addition McDonnell discloses wherein generating the wireless network information comprises: associating a GPS coordinate with the detected wireless short-distance communication network identification signal (paragraph [0033], lines 1-9; the mobile device can determine its own location and associate it with the presence signal received from the portal, e.g. business premises); and storing the wireless short-distance communication network identification signal and the associated GPS coordinate (paragraph [0030]).

Regarding claim 5, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 4, in addition McDonnell discloses wherein the GPS coordinate is based on the location of the telematics unit at the time of reception (P.0033, lines 3-9).

Regarding claim 6, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 4, in addition McDonnell discloses wherein the GPS coordinate is included

within the at least one wireless short-distance communication network identification signal (paragraph [0028] lines 1-17; location of the portal is transmitted in a wireless short-distance signal to the mobile device).

Regarding claim 7, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, in addition McDonnell discloses wherein the at least one wireless short-distance communication network identification signal is selected from the group consisting of: radio frequency identification data, a short message service signal, an IEEE 802.11 standard compliant signal, and a Bluetooth compliant signal (paragraph [0020], lines 3-7).

Regarding claim 8, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, McDonnell discloses wherein communicating the generated wireless network information to a service provider comprises: detecting a wireless network information upload trigger; and initiating a wireless network information transmission to the service provider responsive to the detected wireless network information upload trigger (paragraph [0038] lines 1-6; the upload trigger is the detection of collected information or the detection of the termination of a period for collecting information from a number of portals).

Regarding claim 9, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 1, in addition Dutta discloses wherein detecting the wireless network information upload trigger comprises: receiving a wireless network information request; and processing the wireless network information request to identify the wireless network information upload trigger (paragraph [0054] lines 10-17; the wireless device receives the data backup request (i.e., network information request) and the wireless device executes the request to transmit the requested information to the server, additionally see remarks about claim 1, above).

Regarding claim 10, the combination of McDonnell, Fuchs, and Dutta disclose the method of claim 8, in addition McDonnell discloses further comprising: transmitting the wireless network information to a service provider (paragraph [0022] lines 5-9 and paragraph [0038] lines 1-6).

Regarding claim 11, McDonnell discloses a computer readable medium encoded with a computer program for operating a telematics unit within a mobile vehicle, comprising:

computer readable code for detecting at least one wireless short-distance communication network identification signal (Abstract, lines 1-12; paragraph [0028] lines 1-11; as a user moves along the coverage zone of the portals, e.g. business premises the detects beacons signals from the portal that alert nearby compatible systems of their presence);

computer readable code for generating wireless network information based on the at least one detected wireless network identification signals (paragraph [0028] lines 8-17); and

computer readable code for communicating the generated wireless network information to a service provider (Abstract, lines 9-16; paragraphs [0022] and paragraph [0028] lines 13-20; the programs of the wireless device forms the structured information, e.g. identity of the business, location of portal, and services available, and sends a message through the cellular subsystem to a database service system). McDonnell inherently has a "computer readable medium", given that McDonnell shows a process that would be implemented by a processor that requires a "computer readable medium", e.g. a RAM, to function.

But, McDonnell fails to particularly disclose wherein the at least one wireless short distance network communication signal is detected at a vehicle system module which includes

software and hardware components for operating, controlling or monitoring one or more vehicle systems, and the vehicle system module coupled to a vehicle communication bus.

However, Fuchs teaches a method that integrates personal communications devices with a telematics device that is coupled to a vehicle system (i.e., vehicle system module) since there is an increasing demand for wireless subscribers to have access to information at any time and at any place and also the subscribers have the desire to be able to control mechanical and electronic devices of a vehicle through their subscriber's personal wireless device (paragraphs [0001]-[0003]). The telematics device is coupled to and integrated with the vehicle such as a car, bus, train, aircraft and the like, furthermore, includes a processor for processing algorithms stored in the memory (paragraph [0019]) and is coupled to a vehicle electrical bus to communicate and exchange data with at least one vehicle system (i.e. door-locking, comfort features, etc.) for controlling, operating, or configuring, communication status of at least one vehicle system. Also comprises a first wireless interface for communicating over a WAN network and a second wireless interface for communicating over a WLAN network (paragraph [0024]), and couples with a remote device (i.e. cellular phone, PDA, etc) and a communications node to integrate with a personal communications system (Fig. 1; paragraph [0018]).

Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of McDonnell with the teachings of Fuchs for detecting and gathering information from beacons while a user is in a vehicle, since such a combination would provide the integration of personal wireless devices with a telematics and vehicle system so that the user can gather information about services at any time and at any place and furthermore, be able to control and monitor vehicle related features from their personal wireless devices

(paragraphs [0001]-[0003]). Furthermore, one of ordinary skill in the art would recognize that the integration of the wireless device of McDonnell's invention with a vehicle would be advantageous, because the gathering of information at a vehicle wireless communication system would allow the user to travel to more geographical locations in a shorter amount of time (compared to walking), and collect more information from portals potentially resulting in more incentives for the user since the user gets rewarded by the amount of information collected and successfully entered to the database system (paragraph [0032]).

But, the combination of McDonnell and Fuchs does not expressly disclose wherein the computer readable code further comprises a computer readable code for detecting a wireless network information upload trigger; and computer readable code for initiating a wireless network information for initiating a wireless network information transmission to the service provider responsive to the detected wireless network information upload trigger.

However, transmitting information to the network in response to a network upload trigger is known in the art and Dutta is evidence of the fact.

Dutta teaches a system for backing up data from a wireless device onto a server (i.e., service provider) via a network. The backup server responsive to a determination that data from a wireless device should be backed up, initiates a back up process. The backup process includes pushing a request or command to the wireless device instructing the wireless device to transmit/upload data (i.e., network information upload trigger), such as, for example, calendars, address lists, phone books, notepad data, or any other types of data that may stored on the wireless device, to be backed up to the backup server. Then, the server receives the data from the wireless device and stores the data on a storage device connected to the network. Note that it is

inherent that the wireless device initiates the transmission of the requested data in response to receiving or detecting the request to back up data. This implementation provides for the backup or upload of data periodically or occasionally such as updates to data may be backed up routinely, furthermore, the backup process is performed without notification of or action on the part of the user and may be performed during times when the wireless device is idle, providing an effortless mechanism for protecting information (Abstract; paragraphs [0007], [0031], [0043], and [0054]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to further include computer readable code for performing the features of communicating the generated information to the service provider in response to detecting a wireless information upload trigger and initiating a wireless information transmission to the service provider responsive to the detected wireless information upload trigger, as suggested by Dutta, since such a modification would provide the advantage of uploading the information to the network without user intervention, and to upload updates of the information routinely when receiving the upload request or trigger.

Regarding claim 12, the claim is rejected over the same reasons stated about claim 2, as it recites the same limitations of claim 2. See remarks about claim 2 above.

Regarding claim 13, the claim is rejected over the same reasons stated about claim 4, as it recites the same limitations of claim 4. See remarks about claim 4 above.

Regarding claim 14, the claim is rejected over the same reasons stated about claim 5, as it recites the same limitations of claim 5. See remarks about claim 5 above.

Regarding claim 15, the claim is rejected over the same reasons stated about claim 6, as it recites the same limitations of claim 6. See remarks about claim 6 above.

Regarding claim 16, the claim is rejected over the same reasons stated about claim 7, as it recites the same limitations of claim 7. See remarks about claim 7 above.

Regarding claim 18, the claim is rejected over the same reasons stated about claim 9, as it recites the same limitations of claim 9. See remarks about claim 9 above.

Regarding claim 19, the claim is rejected over the same reasons stated about claim 10, as it recites the same limitations of claim 10. See remarks about claim 10 above.

Regarding claim 20, McDonnell discloses a system for operating a telematics unit within a mobile vehicle, the system comprising:

means for detecting at least one wireless short-distance communication network identification signal (paragraph [0023]-[0024]; Short-range Wireless Transceiver);

means for generating wireless network information based on the at least one detected wireless network identification signals (paragraph [0028] lines 1-17; Gatherer Program 26); and

means for communicating the generated wireless network information to a service provider (paragraph [0025] lines 1-6; Cellular Radio Subsystem 22).

But, McDonnell fails to particularly disclose wherein the at least one wireless short distance network communication signal is detected at a vehicle system module which includes software and hardware components for operating, controlling or monitoring one or more vehicle systems, and the vehicle system module coupled to a vehicle communication bus.

However, Fuchs teaches a method that integrates personal communications devices with a telematics device that is coupled to a vehicle system (i.e., vehicle system module) since there is

an increasing demand for wireless subscribers to have access to information at any time and at any place and also the subscribers have the desire to be able to control mechanical and electronic devices of a vehicle through their subscriber's personal wireless device (paragraphs [0001]-[0003]). The telematics device is coupled to and integrated with the vehicle such as a car, bus, train, aircraft and the like, furthermore, includes a processor for processing algorithms stored in the memory (p.0019) and is coupled to a vehicle electrical bus to communicate and exchange data with at least one vehicle system (i.e. door-locking, comfort features, etc.) for controlling, operating, or configuring, communication status of at least one vehicle system. Also comprises a first wireless interface for communicating over a WAN network and a second wireless interface for communicating over a WLAN network (paragraph [0024]), and couples with a remote device (i.e. cellular phone, PDA, etc) and a communications node to integrate with a personal communications system (Fig. 1; paragraph [0018]).

Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of McDonnell with the teachings of Fuchs for detecting and gathering information from beacons while a user is in a vehicle, since such a combination would provide the integration of personal wireless devices with a telematics and vehicle system so that the user can gather information about services at any time and at any place and furthermore, be able to control and monitor vehicle related features from their personal wireless devices (paragraphs [0001]-[0003]). Furthermore, one of ordinary skill in the art would recognize that the integration of the wireless device of McDonnell's invention with a vehicle would be advantageous, because the gathering of information at a vehicle wireless communication system would allow the user to travel to more geographical locations in a shorter amount of time

(compared to walking), and collect more information from portals potentially resulting in more incentives for the user since the user gets rewarded by the amount of information collected and successfully entered to the database system (paragraph [0032]).

But, the combination of McDonnell and Fuchs does not expressly disclose wherein the means for communicating the generated wireless network information includes means for detecting a wireless network information upload trigger and means for initiating a wireless network information transmission to the service provider responsive to the detected wireless network information upload trigger.

However, transmitting information to the network in response to a network upload trigger is known in the art and Dutta is evidence of the fact.

Dutta teaches a system for backing up data from a wireless device onto a server (i.e., service provider) via a network. The backup server responsive to a determination that data from a wireless device should be backed up, initiates a back up process. The backup process includes pushing a request or command to the wireless device instructing the wireless device to transmit/upload data (i.e., network information upload trigger), such as, for example, calendars, address lists, phone books, notepad data, or any other types of data that may stored on the wireless device, to be backed up to the backup server. Then, the server receives the data from the wireless device and stores the data on a storage device connected to the network. Note that it is inherent that the wireless device initiates the transmission of the requested data in response to receiving or detecting the request to back up data. This implementation provides for the backup or upload of data periodically or occasionally such as updates to data may be backed up routinely, furthermore, the backup process is performed without notification of or action on the

part of the user and may be performed during times when the wireless device is idle, providing an effortless mechanism for protecting information (Abstract; paragraphs [0007], [0031], [0043], and [0054]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to further include means for performing the features of communicating the generated information to the service provider in response to detecting a wireless information upload trigger and initiating a wireless information transmission to the service provider responsive to the detected wireless information upload trigger, as suggested by Dutta, since such a modification would provide the advantage of uploading the information to the network without user intervention, and to upload updates of the information routinely when receiving the upload request or trigger.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marisol Figueroa
Art Unit 2617

LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER